

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Defendants' Motion to Dismiss should be granted.¹

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

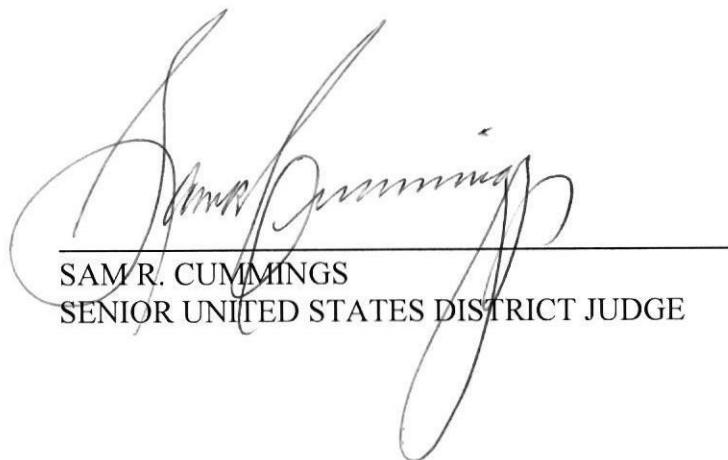
After due consideration and having conducted a *de novo* review, the Court finds that Plaintiff's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the

¹ Plaintiff filed timely objections to the Magistrate Judge’s Findings, Conclusions, and Recommendation on March 8, 2022. *See* Doc. 84.

Court **ORDERS** that Defendants' Motion to Dismiss be **GRANTED**.² Accordingly, Plaintiff's claims for monetary relief against Defendants Kingston, Salinas, Castro, and Keesee in their official capacities are **DISMISSED** without prejudice for lack of subject matter jurisdiction; Plaintiff's claims for injunctive relief against all remaining Defendants in their official capacities are **DISMISSED** with prejudice for failure to state a claim; Plaintiff's claims against all remaining Defendants in their individual capacities are **DISMISSED** with prejudice for failure to state a claim; and Plaintiff's claim for declaratory relief is **DISMISSED** with prejudice for failure to state a claim. Any and all remaining pending Motions are **DENIED** as moot. The Clerk of Court is directed to **STRIKE** the Court's prior Referral Order. *See* Doc. 79.

SO ORDERED.

Dated March 14, 2022.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

² Defendants, as used herein, refers to Marsha McLane, Michael Searcy, Rachael Kingston, Chris Salinas, Joanne Castro, and Debra Keesee.